

ZB# 02-15

Donald Roberts

55-1-2

#02-15 Roberts, Donald. 55-1-2.

Ordn.

Mar. 25, 2002

Public Hearing:

May 13, 2002,

Approved.

Revised #203.



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Roberts

FILE# 02-15

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 3/25/02: 3 .. \$ 13.50
2ND PRELIMINARY- PER PAGE \$
3RD PRELIMINARY- PER PAGE 4/1/02: 1 \$
PUBLIC HEARING - PER PAGE 5/13/02: 3 \$ 13.50
PUBLIC HEARING (CONT'D) PER PAGE \$
TOTAL \$ 27.00

ATTORNEY'S FEES: \$35.00 PER MEETING

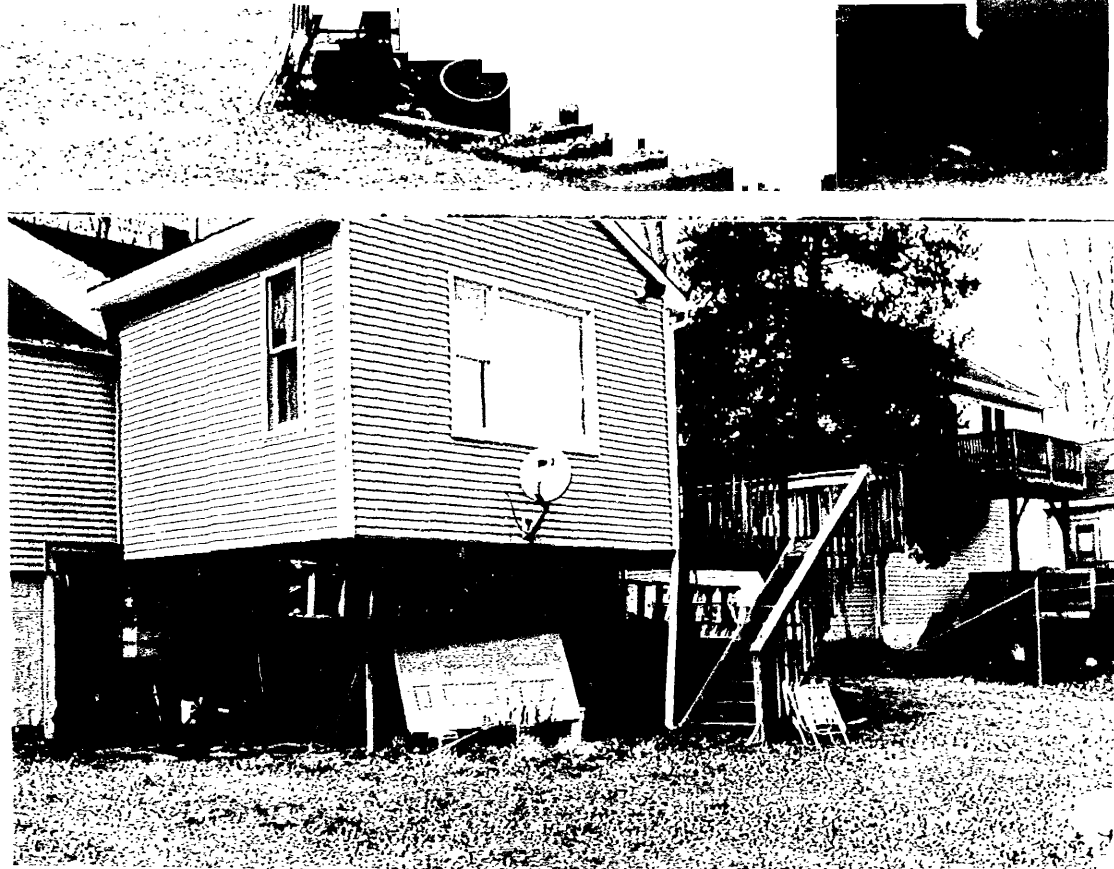
PRELIM. MEETING: ... 3/25/02 \$ 35.00
2ND PRELIM. \$
3RD PRELIM. \$
PUBLIC HEARING. 5/13/02: 3 \$ 35.00
PUBLIC HEARING (CONT'D) \$
TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 97.00

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$
REFUND DUE TO APPLICANT .. \$ 203.00

paid ck #
38962
4/24/02.
" # 38963



DATE		CLAIMED	ALLOWED
	Refund of Escrow Deposit		
	# 02-15	203. ^{xx}	
	(for Donald Roberts)		
	R Meyer		

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#373-2002

04/24/2002

#02-15 2BA

Northrop, Strader & Glenn
P O Box 2395
Newburgh, NY 12550

Received \$ 50.00 for Zoning Board Fees on 04/24/2002. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

-----X
In the Matter of the Application of

DONALD ROBERTS

MEMORANDUM
OF DECISION
GRANTING
VARIANCE

#02-15.
-----X

WHEREAS, DONALD ROBERTS, 2177 Little Britain Road, Rock Tavern, New York 12575, has made application before the Zoning Board of Appeals for a 28 ft. rear yard variance for an existing addition and deck at the above location, in an R-1 zone; and

WHEREAS, a public hearing was held on the 13th day of May, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Stewart P. Glenn, Esq. appeared with the Applicant for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property located in a neighborhood of residential properties.

(b) Approximately ten years ago the Applicant converted an existing garage to a room and constructed a deck. Due to the irregular shape of the property, the addition and deck encroached on the allowable rear yard.

(c) Since the construction of the deck and addition, there have been no complaints either formal or informal.

(d) The property is directly in front of a lake as well as being irregularly shaped.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations, but nevertheless is warranted.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 28 ft. rear yard variance for an existing addition with deck at 2177 Little Britain Road, in an R-1 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: July 8, 2002.

Lawrence W. Torley

Chairman

Date 5/29/02

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

13.50

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
5/1/02	Zoning Board Mtg		75 00	
	Misc - 2			
	North Plank Development - 6			
	Colandrea - 3			
	Corbett - 1			
	Denhoff - 5			
	Salomottoff - 5	Lawrence W. Torley		
	House of Apache - 5			
	Preyer - 2			
	Smith - 4			
	Roberts - 3		184 50	
	Trapp - 3			
	Coplan - 2		259 50	

ROBERTS, DONALD

Mr. Donald Roberts and Stewart P. Glenn, Esq. appeared before the board for this proposal.

MR. TORLEY: Request for 28 ft. rear yard variance for existing addition with deck at 2177 Little Britain Road in R-1 zone.

MR. BABCOCK: Just for the record, the square footage he needs is 384 square feet.

MR. TORLEY: Anyone in the audience who wishes to speak on this matter? Let the record show there is none. Sir?

MR. GLENN: I'm Stewart Glenn, an attorney with Northrop, Stradar & Glenn with officers near the border from New Windsor. Mr. Roberts asked us to help him with this application for this area variance. One reason is that he was here for the preliminary meeting, apparently, and he has a hearing problem and he thinks he might of missed a few things. Anyway, I have Mr. Roberts' neighbors, the ones on either side and two down and their tenants have submitted letters in favor of granting this area variance. Mr. Roberts purchased the property I believe in '87, made improvements to the property and now there's some urgency that he sell the property and when he went to do that, found that he had neglected to obtain certain approvals, one being a variance of this board 28 foot rear yard setback because of the shape of the lot and he has an existing deck and a, I guess the garage that was converted to a room, he also in parallel with this application has had an engineer make an inspection and provide the documents to the building inspector's office on what he needs for to show that what was built there is appropriate. He's in kind of a quandary here, he feels that what he has done is improve the property and the neighborhood and it's the deck is in keeping with the same type of decks that are in the area, I believe including the one next door which he tells me has a variance and so we would request that you would approve his area variance so that he can go forward and sell the property.

MR. KANE: For the record, how long has the addition and the deck been there?

MR. ROBERTS: Ten years.

MR. KANE: Any complaints formally or informally?

MR. ROBERTS: No, matter of fact, one of my neighbors she followed the same thing that I did she liked it so well.

MR. KANE: Creation of any water hazards or runoffs?

MR. ROBERTS: No.

MS. CORSETTI: For the record, we sent out 16 notices on April 24.

MR. TORLEY: I don't know if you have a copy of the plan but the nature of the lake behind it, it's an irregularly shaped lot, we're in receipt from the applicant of four letters from neighbors, I haven't read them all from Louis Cicero (phonetic).

MR. ROBERTS: That's the new neighbor, Kevin, I don't know his--

MR. TORLEY: John Drose, D-R-O-S-E and Sandra Ryan, all have no objection to the variance request. There's a concrete cover there, what's that?

MR. ROBERTS: I have no idea, it was, it's a little round thing in the ground there and I don't know what that's for, it was there when I moved there and I don't bother with it.

MR. MC DONALD: Move it or anything?

MR. ROBERTS: No, septic up front.

MR. KRIEGER: So you would have an adequate space in the back yard as measured against the farthest away line due to the fact that this, you have Green Lake behind you and the property--

MR. ROBERTS: I can park my boat and car there and still drive around.

MR. TORLEY: I'm familiar with the area, I have been driving by and seen from the corner of your deck and it's a nice setup.

MR. MC DONALD: Accept a motion?

MR. TORLEY: Yes, sir.

MR. MC DONALD: I make a motion that we grant Mr. Roberts' request for the 28 foot rear yard variance for the existing addition.

MR. RIVERA: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. TORLEY	AYE

Date 4/23/82

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Francis Bell DR.

108 N. Drury Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
3/25/82	Zurong Board Mtg		75 00	
	Misc 21			
	By the - 7			
	Roberts - 3	13.50		
	Kelly - 3			
	Mittelman - 3			
	Dean - 4			
	Caldwell - 3			
	Strategic Real Estate - 3			
	Summit on Hudson - 4		139 50	
		31		
			214 50	

ROBERTS, DONALD

MR. TORLEY: Request for 28 ft. rear yard variance for an existing addition with deck at 2177 Little Britain Road in an R-1 zone.

Mr. Donald Roberts appeared before the board for this proposal.

MR. ROBERTS: They told me I had to bring a picture, I don't know what else I need. The thing shows at 22 feet but the original one that my engineer, Pat Brady, drew that up and it's like two feet short of the original one that I have with me.

MR. TORLEY: This is replacement for original deck?

MR. ROBERTS: Yeah.

MR. TORLEY: If the original deck didn't have a C.O.--how old is the original deck, long time ago?

MR. ROBERTS: '87.

MR. TORLEY: This map?

MR. ROBERTS: That's when I bought the place.

MR. TORLEY: This doesn't show the deck.

MR. ROBERTS: No, that one there was but what happened if you measure from there to there and then measure this one, it's like, it's a shorter distance between the two.

MR. TORLEY: Well, this survey is showing 22 foot from the existing deck.

MR. ROBERTS: When you measure from the original part of the house, it's 42 feet. If you measure that one there, it's 40 feet and it's like when he drew it, it's the only thing I can see.

MR. TORLEY: This board operates by the measurements that you give us, so looking at the survey, this deck

now or this enclosed area goes further back?

MR. ROBERTS: No, it's, this is the original house, this is the deck, this is the house and this is the deck.

MR. TORLEY: So the variance actually comes from the corner of the wooden deck, is that right?

MR. BABCOCK: Yes, off to an angle back to the lake, yes.

MR. MC DONALD: Mike, looking at this, the angle here is a lot shorter, doesn't that one line look closer at the lake?

MR. BABCOCK: The, you mean the side line, yeah, that's the, that would be the side yard so we give him the benefit in an R-1 zone it's only 20 feet.

MR. REIS: What brings you to the board?

MR. ROBERTS: Well, I'd like to get the building permit because it was built, I had just gotten divorced and I said to my nephew I said I need a room and the room was built without a permit, okay, so then I came down to get the permit so it could be legalized and then they told me that I needed a variance because of the 28 feet.

MR. TORLEY: What this deck again we'll be repeating a lot of these questions at a public hearing, so this deck doesn't cover any water or sewer lines?

MR. ROBERTS: No.

MR. TORLEY: Not changing the water flows?

MR. ROBERTS: No, it's, everything works just like it did when I moved there.

MR. TORLEY: And have your neighbors complained about the deck?

MR. ROBERTS: No.

MR. TORLEY: And do other houses in your neighborhood have not identical but similar kinds of decks?

MR. ROBERTS: My neighbor copied what I had and theirs is, we sit and talk from deck to deck.

MR. TORLEY: Any other questions?

MR. MC DONALD: Accept a motion?

MR. TORLEY: Yes.

MR. MC DONALD: Make a motion that we set Mr. Roberts for a public hearing on his request for the variance.

MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. TORLEY	AYE

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Prelim.
Mon. 25, 2002
02-15

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 2/25/02

APPLICANT: Donald Roberts
2177 Little Britain Road
Rock Tavern, NY 12575

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 2/25/02

FOR : Existing addition with deck

LOCATED AT: 2177 Little Britain Road

ZONE: R-1 Sec/ Blk/ Lot: 55-1-2

DESCRIPTION OF EXISTING SITE: Existing one family house

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing 12x12 addition with attached 12x12 deck does not meet minimum rear yard set-back.


BUILDING INSPECTOR

PERMITTED 50ft

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-1 USE: 5-G

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

22ft

28ft

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered:
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: PA 2002-0127

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Donald L. Roberts
Address 3177 Little Britain Rd Phone 945-427-5243
Mailing Address Same
Name of Architect _____
Address _____ Phone _____
Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer. Donald L. Roberts Jr.
(Name and title of corporate officer) *

1. On what street is property located? On the Southerly side of N.Y.S. Route 207
(N,S,E or W)
and East 400th Road feet from the intersection of

2. Zone or use district in which premises are situated R-1 Is property a flood zone? Y N

3. Tax Map Description: Section 55 Block 1 Lot 2

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Single Family b. Intended use and occupancy Single Family

5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☐

6. Is this a corner lot? NO existing addition

7. _____

ELECTRICAL INSPECTIONS • DUPLICATE MUNICIPAL RECORD

Permit No. _____

Owner DONALD ROBERTS 55-1-2

Occupant _____

Location 2177 Rt. 207
No. _____ Street _____

Town or City _____ State _____

Installation as itemized on reverse side has been visually inspected pursuant to applicable codes.

Installed by AMERICAN EAGLE

Date 1/31/02 Kenie Suro No. _____ Inspector

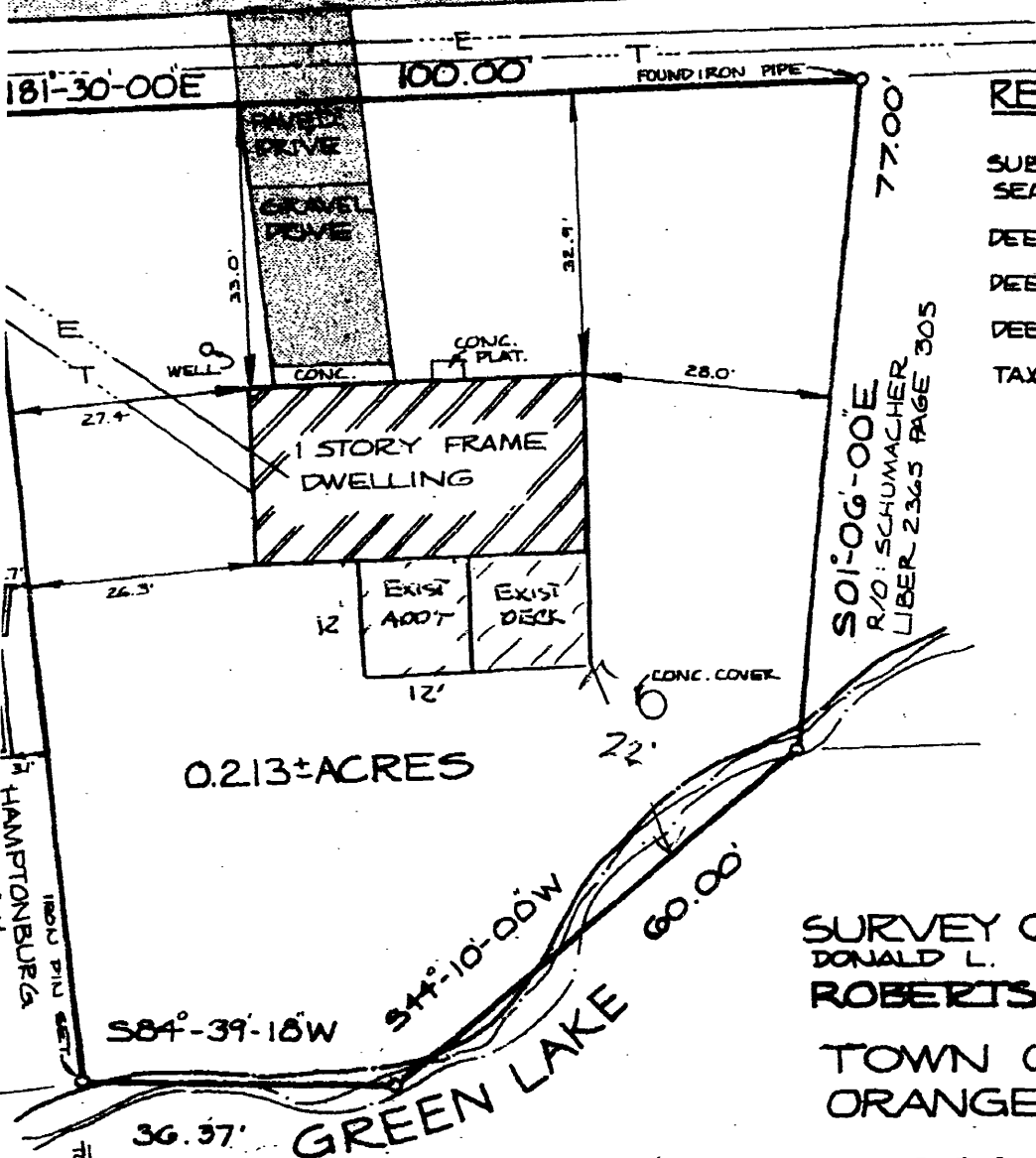
MIDDLE DEPARTMENT INSPECTION AGENCY, INC.

Height 11 No. of stories 1

nil
Pl
or
B
1
2

ELECTRICAL INSPECTION MIDDLE DEPARTMENT INSPECTION AGENCY	
<u>Kenie Suro</u>	FINAL SURVEY INSPECTOR
CONCEALED WIRING O.K. DATE _____	
UTILITY NOTIFIED _____	
FINAL APPROVAL DATE <u>1/31/01</u>	

Y.S. ROUTE 207 (PAVED)



REFERENCES

SUBJECT TO AN ACCURATE TITLE SEARCH

DEED: LIBER 1078 PAGE 332

DEED: LIBER 2299 PAGE 381

DEED: LIBER 2304 PAGE 349

TAX MAP: SEC. 55 BLOCK 1 LOT 2

501'-06'-00"E
R/O: SCHUMACHER
LIBER 2365 PAGE 305

SURVEY OF PROPERTY FOR
DONALD L. EDWARD T.
ROBERTS & BRUNDAGE
TOWN OF NEW WINDSOR
ORANGE COUNTY, N.Y.

SCALE: 1" = 20'
JUNE 19, 1987

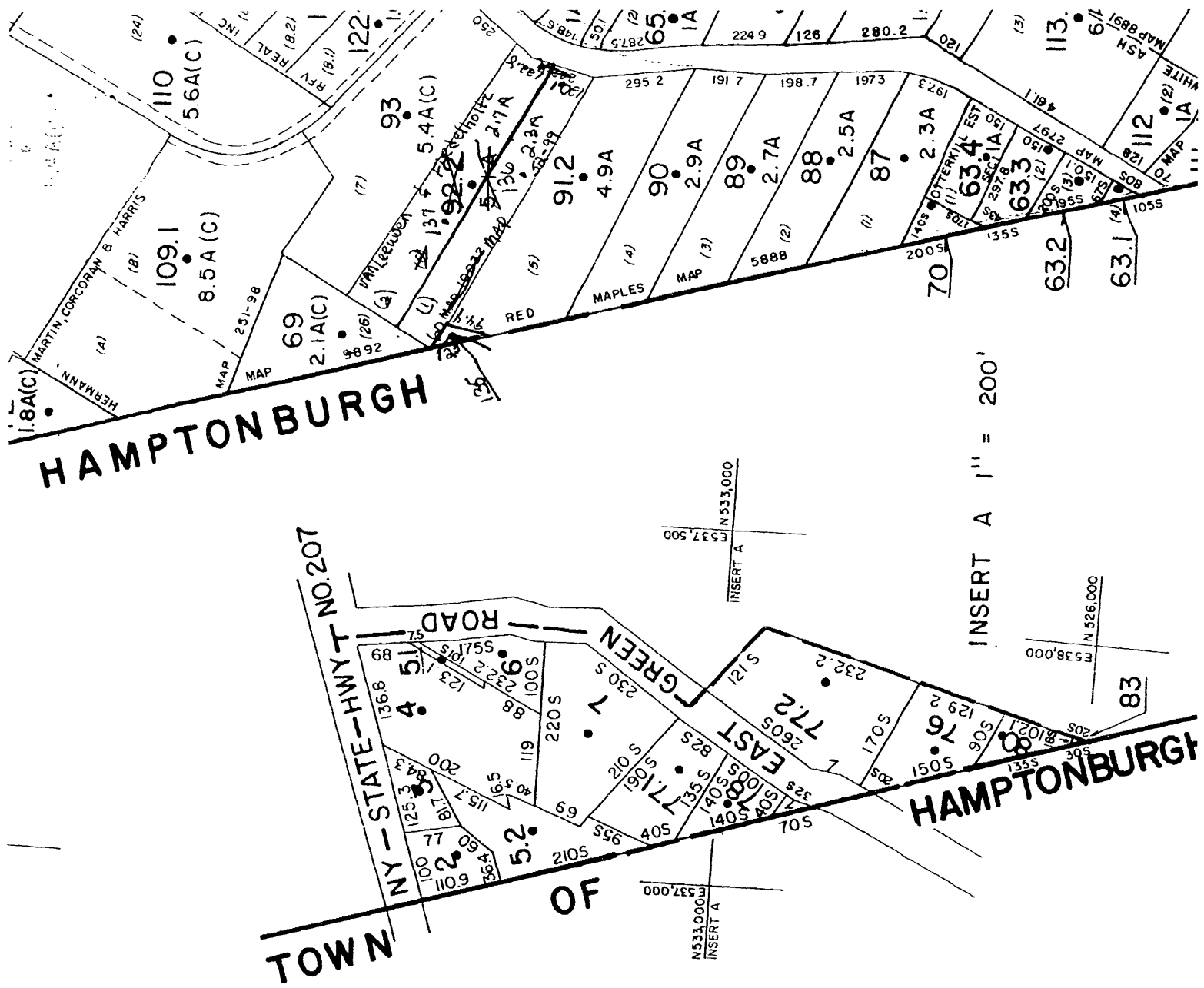
REPUTED OWNER: GREEN
LIBER: 763 PAGE 556

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW. Copies of this survey map not bearing the Land Surveyors embossed seal shall not be considered to be a valid true copy. Certifications indicated hereon shall be only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed herein. Certifications are not transferable to additional institutions or subsequent owners.

© COPYRIGHT 1987 BY

ROGER J. FERRIS
PROFESSIONAL LAND SURVEYOR
16 ROBERTS ST.
MIDDLETOWN, N.Y. 10940
343-2511

TOWN OF NEW WINDSOR
TOWN OF HAMPTONBURGH
TS
SIGN
DEP.
NY
T 9



RqF
5/13/02.

May 10, 2002

To Whom It May Concern:

I understand Don Roberts, 2177 Little Britain Road, Rock Tavern, New York, Town of New Windsor,
has applied for rear yard set back and we are in favor of the ZBA granting him such a Variance.

Sandra Ryan

JR H Ryan

address: PO. Box 13

Rock Tavern, N.Y. 12575

I live to houses East + have no
objection.

RqF
5/13/02.

May 10, 2002

To Whom It May Concern:

I understand Don Roberts, 2177 Little Britain Road, Rock Tavern, New York, Town of New Windsor,
has applied for rear yard set back and we are in favor of the ZBA granting him such a Variance.

JoAnn Drosz

address: 2 East Green Road

Rock Tavern, NY 12575


I live 2 doors down east & have
no objection.

R9F
5/13/02

May 10, 2002

To Whom It May Concern:

I understand Don Roberts, 2177 Little Britain Road, Rock Tavern, New York, Town of New Windsor,
has applied for rear yard set back and we are in favor of the ZBA granting him such a Variance.



address: 2301 Rt 207

Rock Tavern NY 12575

I live next door to the west and
have no objection.

RF
5/13/02.

May 10, 2002

To Whom It May Concern:

I understand Don Roberts, 2177 Little Britain Road, Rock Tavern, New York, Town of New Windsor,
has applied for rear yard set back and we are in favor of the ZBA granting him such a Variance.

Louise L. Cero

address: 2173 Little Britain Road
Rock Tavern, New York 12575

I live next door, east side, and I
have no objection to the above.

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X

In the Matter of the Application for Variance of

Donald Roberts

AFFIDAVIT OF
SERVICE
BY MAIL

#02-15.

-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

Patricia A. Corsetti, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside in New Windsor, Orange County, N. Y.

That on the 24th day of April, 2002, I compared the 16 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Patricia A. Corsetti

Sworn to before me this

____ day of _____, 20____.

Notary Public



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

March 28, 2002

Stewart P. Glenn
Attorney at Law
One Corwin Court
PO Box 2395
Newburgh, NY 12550

16

Re: 55-1-2 Donald Roberts

Dear Mr. Glenn:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

Please be advised that the parcel is also located within five hundred feet of the Town of Hamptonburgh.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook
Sole Assessor

LC/lrd
Attachments

CC: Pat Corsetti, ZBA

51-1-93.22

William & Barbara Toronto
310 Midstreams Road
Brick, NJ 08723

55-1-18.2

Carl & Mary Di Donato
673 Twin Arch Road
Rock Tavern, NY 12575

55-1-3

Louise Schumacher
2173 Little Britain Road
Rock Tavern, NY 12575

55-1-77.1

Brian Petersen
PO Box 42
Liberty, SC 29657

55-1-4 & 55-1-5.1

John Jr. & Sandra Ryan
2 East Green Road
Rock Tavern, NY 12575

55-1-77.2

George & Doris Petersen
27 East Green Road
Rock Tavern, NY 12575

55-1-5.2

Michael Bracco
10 West Green Road
Rock Tavern, NY 12575

55-1-78

Bankers Trust Co. of CA
C/o Robert & Stacey Kernahan
26 East Green Road
Rock Tavern, NY 12575

55-1-6

Michael & Gayle Scott
8 East Green Road
Rock Tavern, NY 12575

55-1-82

County of Orange
255-275 Main Street
Goshen, NY 10924

55-1-7

Robert & Marilyn Olsen
16 East Green Road
Rock Tavern, NY 12575

Town of Hamptonburgh
Bull Road
Campbell Hall, N.Y.

55-1-8.1

Consolidated Edison Company of NY, Inc.
4 Irving Place Room 615-S Tax Dept
New York, NY 10003

55-1-8.2

Glenn Fountain
11 East Green Road
Rock Tavern, NY 12575

55-1-9 & 55-1-10

John Latimer
1 East Green Road
Rock Tavern, NY 12575

55-1-12

Carl & Francis DiDonato
2104 Little Britain Road
Rock Tavern, NY 12575

*Pls. publish immediately. Send bill to : Stewart Glenn, Esq.
One Corwin Ct
Newbs, N.Y. 12550*

**PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 15

Request of Donald Roberts a/k/a Donald L. Roberts, Sr.

for a VARIANCE of the Zoning Local Law to Permit:

A 28ft. rear yard variance for an existing addition with deck

being a VARIANCE of Section 48-12- Table of Use/Bulk Regs.-Col. G

for property situated as follows:

2177 Little Britian Road in an R-1 zone

known and designated as tax map Section 55, **Blk.** 1 **Lot** 2

PUBLIC HEARING will take place on the 13 **day of** May, **20** 02 **at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.**

Lawerence Torley
Chairman

By: Patricia A. Corsetti, Secy.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE

Date: April 24, 2002

I. Applicant Information:

(a) Donald L. Roberts, Sr., 2177 Little Britain Road, (845) 427-5243
(Name, address and phone of Applicant) (Owner)

(b) _____
(Name, address and phone of purchaser or lessee)

(c) Northrop, Stradar & Glenn, P.C., One Corwin Court, Newburgh, NY
(Name, address and phone of attorney) (845) 561-8000

(d) _____
(Name, address and phone of contractor/engineer/architect/surveyor)

II. Application type:

☐ Use Variance
☒ Area Variance

☐ Sign Variance
☐ Interpretation

III. Property Information:

(a) R-1 2177 Little Britain Road 55-1-2 100 x 110
(Zone) (Address of Property in Question) (S-B-L) (Lot size)

(b) What other zones lie within 500 feet? _____

(c) Is pending sale or lease subject to ZBA approval of this Application? yes

(d) When was property purchased by present owner? 7/15/87.

(e) Has property been subdivided previously? No.

(f) Has property been subject of variance previously? No. If so, when? _____.

(g) Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? Yes-Notice of Disapproval 2/25/02

(h) Is there any outside storage at the property now or is any proposed? No.

IV. Use Variance.

(a) Use Variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

(Describe proposal) _____

(b) The legal standard for a "Use" Variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area Variance:

(a) Area variance requested from New Windsor Zoning Local Law,
Section 48-12, Table of R-1 Regs., Col. G.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd.	50 ft.	22 ft. 28 ft.
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*		
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** Non-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe

why you believe the ZBA should grant your application for an area variance:
(see attached)

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	_____	_____	_____
Sign #2	_____	_____	_____
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

- (b) Describe in detail the sign (s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and free-standing signs? _____.

VII. Interpretation.

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section _____.
- (b) Describe in detail the proposal before the Board:

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Applicant believes that the described improvements add to
the quality of the zone and neighborhood.

V (b) (con't.)

The benefit to Applicant will be that he can sell his house; Applicant believes there will be no detriment to the health, safety, and welfare of the neighborhood or community if the application is approved. Applicant believes that the improvements made to the property add value to the neighborhood, will not create an undesirable change to the neighborhood, and will not be a detriment to the nearby properties. The benefit to the Applicant cannot be achieved by some other method. Applicant believes that the area variance sought is not substantial. Applicant believes that the granting of the application will have a positive effect, rather than an adverse effect or impact on the physical and environmental conditions in the neighborhood. Applicant made the improvements to the property and thereby, the neighborhood, without realizing an area variance would be required. For the above reasons, Applicant believes that it would be in his and the neighborhood's interest for the ZBA to grant the requested variance.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Inspector or Planning Board.
☐ Copy of tax map showing adjacent properties.
☒ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
☒ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
☐ Copy(ies) of sign(s) with dimensions and location.
☒ Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00 each payable to the TOWN OF NEW WINDSOR.
☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: April 24, 2002

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Donald L. Filkins
(Applicant)

Sworn to before me this

24th day of April, 2002

XI. ZBA Action:

(a) Public Hearing date: _____.

Stewart P. Glenn
STEWART P. GLENN
Notary Public, State of New York
No. 01GL4508660
Qualified in Ulster County
My Commission Expires December 31, 2005

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

DONALD L. ROBERTS SR. AND
EDWARD T. BRUNDAGE

SECTION 55 BLOCK 1 LOT 2

TO

DONALD L. ROBERTS SR.

RECORD AND RETURN TO:
(Name and Address)

Donald L. Roberts Sr.
2177 Little Britain Road
Rock Tavern, NY 12575

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED X MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)	4289 MONTGOMERY (TN)
2001 WASHINGTONVILLE (VLO)	4201 MAYBROOK (VLO)
2289 CHESTER (TN)	4203 MONTGOMERY (VLO)
2201 CHESTER (VLO)	4205 WALDEN (VLO)
2489 CORNWALL (TN)	4489 MOUNT HOPE (TN)
2401 CORNWALL (VLO)	4401 OTISVILLE (VLO)
2600 CRAWFORD (TN)	4600 NEWBURGH (TN)
2800 DEERPARK (TN)	<u>X</u> 4600 NEW WINDSOR (TN)
3089 GOSHEN (TN)	5089 TUXEDO (TN)
3001 GOSHEN (VLO)	5001 TUXEDO PARK (VLO)
3003 FLORIDA (VLO)	5200 WALLKILL (TN)
3005 CHESTER (VLO)	5489 WATWICK (TN)
3200 GREENVILLE (TN)	5401 FLORIDA (VLO)
3489 HAMPTONBURGH (TN)	5403 GREENWOOD LAKE (VLO)
3401 MAYBROOK (VLO)	5405 WATWICK (VLO)
3689 INGILANDS (TN)	5600 WAWAYANJA (TN)
3801 INGILAND FALLS (VLO)	5889 WOODBURY (TN)
3889 MINSINK (TN)	5901 WATWICK (VLO)
3801 UNIONVILLE (VLO)	
4089 MONTICUE (TN)	
4001 MONROE (VLO)	
4003 HARRIMAN (VLO)	
4089 KIRYAS JOEL (VLO)	

NO. PAGES 4 CROSS REF
CENT. COPY _____ AFFT _____

PAYMENT TYPE: CHECK X
CASH _____
CHANGE _____
NO FEE _____

CONSIDERATION \$ 0
TAX EXEMPT _____

MORTGAGE AMT \$ _____
DATE _____

MORTGAGE TYPE:

(A) COMMERCIAL
(B) 1 OR 2 FAMILY
(C) UNDER \$10,000.
(E) EXEMPT
(F) 3 TO 8 UNITS
(G) NAT. PERSON OR UNION
(H) NAT. PERSON OR UNION
(K) CONDO

CITIES

0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JEFFERIS
8999 HOLD

Donna L. Benson

DONNA L. BENSON
Orange County Clerk

RECEIVED FROM:

Hardenburgh

LIB: 4788 75

LIBER 4788 PAGE 75

ORANGE COUNTY CLERK'S OFFICE 28249 NRI
RECORDED/FILED 05/19/98 02:13:09 PM

FEES 47.00 EDUCATION FUND 5.00
SERIAL NUMBER 007302
DEED CNTL NO 85974 RE TAX .00

Form 999 (10/1/94) - Bureau and State Used with Consent of the State of New York - Ind. or Corp.

FORMALLY YOUR LAWYER REVIEW, SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE SIGNED BY LAWYER ONLY.

3-27154

THIS INDENTURE, made the 1st day of May, sixteen hundred and ninety-eight
BETWEEN DONALD L. ROBERTS SR., residing at Route 207,
Town of New Windsor, Orange County, New York, AND EDWARD T. BRUNDAGE
residing at (No 8) Tuthill Road, Town of Blooming Grove, Orange
County, New York,

party of the first part, and said DONALD L. ROBERTS SR., residing at Route 207,
Town of New Windsor, Orange County, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

-----Ten and 00/100 (\$10.00)-----

dollars,

lawful money of the United States, and other good and valuable consideration paid
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or suc-
cessors and assigns of the party of the second part forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying
and being in the (described on Schedule A annexed hereto and made
a part hereof)

WIT:
SIGNED:
WIT:
WIT:

INT47886 .76

SCHEDULE A

ALL that certain lot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange, State of New York, and being more accurately bounded and described as follows:

BEGINNING at a set iron pin in the southerly line of the N.Y.S. Route 207 at the northeasterly most corner of the lands of Klammer; thence from said point or place of beginning and along the southerly line of N.Y.S. Route 207, North 81 degrees 30 minutes 00 seconds East a distance of 100.00 feet to a found iron pipe; thence along the lands of Schumacher, South 01 degrees 06 minutes 00 seconds East a distance of 77.00 feet to a point; thence along Green Lake and the lands of Green, South 44 degrees 10 minutes 00 seconds West a distance of 60.00 feet to a point; thence along the same, South 84 degrees 39 minutes 18 seconds West a distance of 36.37 feet to a set iron pin; thence along the lands of Klammer, North 11 degrees 38 minutes 00 seconds West a distance of 110.91 feet to the point or place of beginning.

1612478877

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premise herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this instrument so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN WITNESS WHEREOF,

Donald L. Roberts Sr.

Donald L. Roberts Sr.

Edward W. Brundage

Edward W. Brundage

181247886 78

STATE OF NEW YORK, COUNTY OF ORANGE

On the 15 day of May 1998, before me personally came **DONALD L. ROBERTS SR.** and **EDWARD T. BRUNDAGE** to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that they executed the same.

Clare M. Benson
Notary Public

CLARE M. BENSON
Notary Public, State of New York
No. 0186034780
Qualified in Orange County
Commission Expires August 31, 2005

STATE OF NEW YORK, COUNTY OF

ss.: 1

On the _____ day of _____ 19____, before me personally came _____ to me known, who, being by me duly sworn, did depose and say that he resides at No. _____

that he is the
of _____

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF ORANGE

ss.: 1

On the _____ day of _____ 1998, before me personally came ~~EDWARD T. BRUNDAGE~~

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

Notary Public

STATE OF NEW YORK, COUNTY OF

ss.: 1

On the _____ day of _____ 19____, before me personally came _____ to me known, who, being by me duly sworn, did depose and say that he resides at No. _____

say that he is the
of _____

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Mortgage and Sale Deed

WITH CERTAIN ASSAULT GRANTING ACTS

TITLE No. _____

**DONALD L. ROBERTS SR. AND
EDWARD T. BRUNDAGE**

DONALD L. ROBERTS, SR.

STAMPED FROM THE NEW YORK STATE LAND TITLE ARCH.

Notarized by



American Title Insurance Company
Northeast Region

SECTION

BLOCK

LOT

COUNTY OR TOWN

Recorded At Request of American Title Insurance Company

RETURN BY MAIL TO:

Zip No. _____

LEAVE THIS SPACE FOR USE OF RECORDING OFFICE

LIBEL 476996 79